

Appl. No. : 10/598,717
Filed : September 8, 2006

REMARKS

Claims 1, 2 and 19 have been amended to specify “the material” and further clarify the subject matter. Support can be found on page 14, lines 1-4 and page 39 lines 2-5, for example. Claims 7 and 18 have been rewritten in independent form including all of the limitations of a base claim with the amendment to the base claim. Claims 5, 11-13 and 17 have been canceled without prejudice to or disclaimer of the subject matter recited therein.

No new matter has been added in the amendments. Applicant respectfully requests entry of the amendments and reconsideration of the application in view of the amendments and the following remarks.

Claim Objections

Claims 1, 2 and 19 have been objected to because the process of dipping the (apparatus) claims in KOH and H₂O₂ respectively is not germane to patentability.

Claims 1, 2 and 19 have been amended to clarify the subject matter. These claims are product claims and recite “a material” having a property value as measured using “the process of dipping”. Thus, “the process of dipping” is not a part of the claimed subject matter but is simply used to define the property value of the recited material. Applicant respectfully requests withdrawal of this objection.

Claims 7 and 18 have been objected to because the language is unclear as to whether the claims are independent claims or dependent claims.

Claims 7 and 18 have been rewritten in independent form including all of the limitations of a base claim with the amendment made to the base claim. Applicant respectfully requests withdrawal of this objection.

Claim Rejections Under 35 U.S.C. § 112

Claims 1-18 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action states: Claims 1 and 2 recite the limitation “wherein

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the light-transmitting region satisfies that difference between $\Delta T = T_0 - T_1$ (%) between T_0 and T_1 ” is awkwardly and confusingly written.

Claims 1 and 2 have been amended to clarify the language. Applicant respectfully requests withdrawal of this rejection.

Claims 5 and 13 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to further limit the independent claim. Claims 5 and 13 have been canceled. This rejection is moot.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-4, 6-12 and 14-24 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Komukai et al (US2003/0171081).

Claims 1, 2, 7, 18 and 19 are independent and have been amended to specify “the material”. These claims recite, among others:

the material of the light-transmitting region is formed from (i) polycaprolactone polyol, (ii) polyester polycarbonate polyol, or (iii) polyester polyol formed from adipic acid, hexane diol, and ethylene glycol.

Polycaprolactone polyol and polyester polycarbonate polyol give the window improved durability against an alkaline aqueous solution or an acidic aqueous solution (page 14, lines 2-4). Further, polyester polyol formed from adipic acid, hexane diol, and ethylene glycol also gives excellent durability against an alkaline aqueous solution or an acidic aqueous solution, which is demonstrated in Examples A-1, A-2, B-1 and B-2, for example. This effect leads to accurate detection of the polishing pad thickness. Effects of chemical compounds are generally not predictable unless there is evidence showing otherwise.

In Komukai, as described in the Examples (paragraph 0089), the window is prepared by mixing a polyether-based urethane prepolymer and a curing agent. Komukai does not teach the compounds of (i) polycaprolactone polyol, (ii) polyester polycarbonate polyol or (iii) polyester polyol formed from adipic acid, hexane diol, and ethylene glycol to prepare the window. Further, Komukai is absolutely silent with regard to the problem in changes of light-transmittance of the window due to an alkaline polishing slurry or an acidic polishing slurry.

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Thus, the material recited in the claims was not known for the window material, and no evidence shows that the improvements by the material recited in the claims would have yielded results predictable to one of ordinary skill in the art. At least for the reasons above, claims 1, 2, 7, 18 and 19 cannot be obvious over Komukai. Claims 3-4, 6, 8-10, 14-16, and 20-24 depend ultimately from one of claims 1, 2, 7, 18 and 19, and thus at least for this reason, these claims also cannot be obvious over Komukai. Claim 17 has been canceled without prejudice. Applicant respectfully requests withdrawal of the rejections.

CONCLUSION

In light of the Applicant's amendments to the claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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